

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CRM-M-30214-2023
Date of decision:15.06.2023

Shanti Swaroop alias Sonu

....Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Naveen Siwach, Advocate
for the petitioner.

Mr. Viranjeet Singh Mahal, Addl. Public Prosecutor
for respondent-U.T. Chandigarh.

VINOD S. BHARDWAJ. J. (ORAL)

This is the first petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.145 dated 19.09.2022 registered under Section 354 of the Indian Penal Code, 1860 and under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (Annexure P-1) at Police Station Sector 31-Chandigarh.

2. In brief the facts are that the present case was registered upon the complaint of mother of the victim with the allegations that she is residing with her family in a rented accommodation in Chandigarh. On 18.9.2022, petitioner who happens to be friend of her husband came to visit their house at around 9.00 pm. He stayed at their house for one hour and when he left, then her daughter told her that while she was

CRM-M-30214-2023

-2-

cooking food in the kitchen and father was in the washroom, petitioner pulled her towards her and touched her private part.

3. During the course of investigation, accused was arrested. Victim was medically examined. Statement of victim under Section 164 Cr.P.C was got recorded. Rough site plan of the place of occurrence was prepared. Statements of witnesses under Section 161 of Criminal Procedure Code were recorded. Accused was arrested.

4. Learned counsel appearing on behalf of the petitioner contends that the petitioner is in custody since 19.09.2022 and has undergone an actual custody of more than 08 and half months. He is not involved in any other case that the prosecution witnesses are deliberately not appearing to depose before the Court.

5. Learned State counsel on the other hand submits that there are total of 16 witnesses and 09 witnesses have already been examined. He does not dispute the fact that the petitioner is not involved in any other case and that he is already undergone an actual custody of nearly 08 months 27 days.

6. I have heard learned counsel appearing on behalf of the respective parties and have gone through the documents appended alongwith petition with their able assistance.

7. Taking into consideration the period of actual custody undergone by the petitioner, the stage of the trial, the criminal antecedents of the petitioner and also the trial is likely to take much time before it is concluded, I deem it appropriate to enlarge the petitioner on bail upon furnishing bail bonds/surety bonds to the

CRM-M-30214-2023

-3-

satisfaction of the Trial Court.

8. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing the requisite bail bond/surety to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

10. The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of the material available.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

JUNE 15, 2023

Vishal sharma

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>